



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,335	10/07/2003	Nobushige Aoki	03500.017642.	2654
5514 7590 08/06/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HASSAN, AURANGZEB				
ART UNIT		PAPER NUMBER		
2182				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,335

Applicant(s)

AOKI ET AL.

Examiner

AURANGZEB HASSAN

Art Unit

2182

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5, 20-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5, 20-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2008 has been entered.

Claim Objections

2. Claims 32 – 35 are objected to because of the following informalities: the claims contain "print data generated by the host computer to print the print data generated by the host computer" in lines 4 and 5 respectively. The Examiner notes that this change was made in response to a previous objection. The previous objection was in order to add an "s" accordingly however the new claim limitations appear to be redundant and the Examiner respectfully requests concise wording in the limitations.

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 20 – 22 and 25 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narusawa et al. (US Publication Number 2003/0085942 hereinafter "Narusawa") in view of Leslie (US Publication Number 2003/0142325).

5. As per claims 1 and 25, Narusawa teaches a print system and method, in which a printer (printer 1, figure 1) and a host computer (paragraph [0085]), each of which includes a communication interface for transmitting and receiving information in real time (communication via interface 29, figure 2); are connected to each other to communicated with each other, comprising:

the printer comprising:

a read-out unit (13, figure 1) for reading out image data from a recording medium for recording the image data (reads image data from detachable recording medium);

an operation panel including a plurality of operation members (user interface, figure 5), each for receiving an instruction from a user, wherein the plurality of operation members includes at a print instruction button, a preview display button and a print setting button (figure 7 shows the panel in operation, paragraph [0091 & 0120-0121]);

a printer engine (28, figure 2) for performing printing (paragraph [0084]), the printer engine being arranged to print the image data read out from the detachable recording medium of the printer in accordance with the print instruction button of the

operation panel receiving the instruction from the user, without requiring communication with the host computer (paragraphs [0083-0084])

an operation panel controller for generating print setting information associated with the print setting button (paragraphs [0083-0084 & 0094-0096]) and an interruption event corresponding thereto (interrupt generation, paragraph [0083]), and transmitting the print setting information (paragraph [0086]); and

a printer engine for performing printing (print engine 28, figure 2).

Narusawa teaches an embodiment of a stand-alone printer in which an interrupt is generated and transmitted within the printer and printer controller however does not explicitly describe notifying a host computer of the interrupt event. However it would have been obvious to one of ordinary skill in the art to utilize the printer of Narusawa with a host computer via the communication interface (host computer can be connected via interface 29, figure 2, paragraph [0085]), therein the host computer receiving a notification of an interrupt event from the printer. One of ordinary skill in the art would be motivated to make such modification in order to have increased flexibility in data printing (paragraphs [0003, 0004 & 0085]).

Narusawa does not explicitly disclose a transmission unit in the printer and the details of the functionality of the host computer.

Leslie teaches a printer communicating with a host computer wherein, the printer (14, figure 1) comprises:

a transmission unit for transmitting the image data which is read out by the read-out unit (transmission unit carries out step 74 to 76 in transmitting the print setting to the host computer, paragraph [0041]); and

the host computer (12, figure 1) comprising:

an interruption controller for detecting the interruption even transmitted by the printer (host computer utilizes built-in controller to recognize the transmission of data from the printer, 18, figure 1);

receiving unit for receiving, from the printer the print setting information generated by the printer and the image data read out from the detachable recording medium of the printer (image data read out from medium incorporated from Narusawa paragraph [0091]), if the interruption controller detects the interruption event (in response to the interrupt and transmitted data, host computer receives print image data, paragraph [0041]); and

display control unit (16, figure 1) for causing a display apparatus to effect a print preview display on the basis of print setting information and image data received by the receiving unit (host displays print setting on 16a, figure 1, paragraphs [0041 - 0042]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enhance the print preview function of Narusawa with the image updates on the host display of Leslie. One of ordinary skill would be motivated to make such modification in order to enhance a true depiction of data printing (paragraph [0012]).

The Examiner makes a note to the Applicant that Narusawa teaches an interrupt controller for detecting print settings on the printer along with a display which responds with a preview of the settings established by the user in the embodiment of a digital camera as seen in figure 12. Narusawa states that a computer, mobile telephone and portable remote terminals also have all of the same functionality as described for the digital camera (paragraphs [0085 & 0126]).

6. As per claims 5 and 26, Narusawa teaches a print system and method, wherein the printer includes a direct print controller for effecting printing not through the computer so that printing is executable with the printer alone (stand-alone printer, paragraph [0078]).

7. As per claims 20 and 27, Narusawa teaches a print system and method, wherein the host computer further comprises a generating unit for receiving image data read out from a detachable memory card of the printer (memory card 2 is detachable to card slot 13, figure 1), and generating print data corresponding to the print setting information, from the received image data (paragraph [0118]).

8. As per claims 21 and 28, Narusawa teaches a print system and method, wherein at every interruption event, the display control unit causes the display apparatus to effect the print preview display in which the print setting information changed at every

interruption event is reflected (user pushes various buttons and the selected print-condition setting file is effected, figure 14, paragraph [0118]).

9. As per claims 22 and 29, Narusawa teaches a print system and method, wherein the printer starts printing on the basis of the print data transmitted by the host computer which receives the interruption event corresponding to an operation of the print button of the operational panel (paragraphs [0120-0121]).

10. As per claims 32 and 34, Narusawa/Leslie teaches a system and method wherein the print system is arranged so that in a case where the host computer effects the print preview display, the host computer generates print data and the printer receives the print data generated by the host computer and print the received print data (step 68, result of "YES" figure 5), and in case where the host computer does not effect the print preview display, the printer generates print data and print the generated print data (step 68, result of "NO" figure 5).

11. Claims 23, 24, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narusawa.

12. As per claims 23 and 30, Narusawa teaches a print system and method, in which a printer (figure 1) and a host (element 3, figure 12), each of which includes a communication interface for transmitting and receiving information in real time (USB

figure 12), are connected to each other to communicate with each other, the host comprising:

a detecting unit for detecting an interruption event generated and transmitted by the printer when a predetermined operation button of the printer is operated (interrupt generation, paragraph [0083, 0091, 0120 & 0121] in communication with host [0085], figure 5);

a receiving unit for receiving image data read out by the printed from a detachable memory card, if the detection unit detects the interruption even (paragraphs [0090-0092]);

and

print preview display control unit for (element 139, figure 13), in response to the detection of the interruption event, obtaining a print setting generated by the printer when the predetermined operation button is operated (setting from panel save in memory card, paragraph [0118]) and controlling a display apparatus of the host to effect a print preview display by applying the obtained print setting to the received image data so that the print setting is reflected therein (figure 15).

Narusawa does not explicitly disclose the functionality of the host is comprised in the host computer, however does say that the host can be a host computer interchangeably with full functionality (paragraphs [0085 & 0126]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize the host computer environment or the digital camera environment interchangeably as taught by Narusawa (paragraphs [0085 & 0126]). One

of ordinary skill would be motivated to utilize such environment to accommodate a user-friendly interface (paragraph [0009]).

13. As per claims 24 and 31, Narusawa teaches a print system and method, wherein the print preview display control unit updates the print preview display every time the print setting is changed in accordance with the operation of the predetermined operation button (selected print condition is effected, paragraphs [0118-0119]).

14. As per claims 33 and 35, Narusawa/Leslie teaches a system and method wherein the print system is arranged so that in a case where the host computer effects the print preview display, the host computer generates print data and the printer receives the print data generated by the host computer and print the received print data (step 68, result of "YES" figure 5), and in case where the host computer does not effect the print preview display, the printer generates print data and print the generated print data (step 68, result of "NO" figure 5).

Response to Arguments

15. Applicant's arguments with respect to claims 1, 5, 20 – 27 and 29 - 35 have been considered but are moot in view of the new ground(s) of rejection.

16. All of the Applicant's arguments pertain to newly amended claim limitations however they are addressed below. The Applicant argues Leslie does not have a

printer with the print settings as claimed and does not print image data without communicating with another data processing apparatus.

17. As per the Applicant's arguments, the Examiner respectfully disagrees. The Examiner first notes that the arguments merely state what is claimed including new limitations which have been accordingly addressed in the rejection above. With respect to the elaboration of the claims Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

With regards to Leslie teaching the newly amended limitation of a stand-alone printer and printer comprising the print setting functionality the Examiner notes that Leslie was not relied upon for such teachings. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Publication Number 2005/0275872 teaches a printer with a memory card reader integrated on the surface of the printer further coupled to a

computer. The system allows for data enhancement of images stored on the card and the Examiner further cites the functionality of an operating system and the print preview functionality inherited therein. Operating systems further include drivers to handle and process interrupts from devices that are connected to the computer. The Examiner also makes US Publication Number 2002/0054350 of record as pertinent prior art as it teaches a printer with memory card and stand-alone capabilities as well as functionality of being coupled with a computer. As well as copending application US Publication Number 2004/0080778 which teaches all of the components of the current application with the variation of the operational panel being external of the printer.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AURANGZEB HASSAN whose telephone number is (571)272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571)272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

/Tariq Hafiz/
Supervisory Patent Examiner, Art Unit 2182